

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Kurt West

v.

Civil No. 10-cv-00214-JL

Bell Helicopter
Textron, Inc., et al.

ORDER AFTER PRELIMINARY
PRETRIAL CONFERENCE

The Preliminary Pretrial Conference was held in chambers on
November 16, 2010.

The Discovery Plan (document no. 48) is approved as
submitted, with the following changes:

- DeBenedetto discovery deadline - **December 15, 2011**
- 30(b)(6) witness depositions are limited to a total of 21 hours per party-deponent, or 8 hours per designee
- 7 1/2 hour limit on non-party deposition (5 hours for direct examination)

Based on the discussions between the court and counsel at the conference, the following are **stricken** without prejudice to being reinstated on request if warranted by the evidence:

- the following affirmative defenses: Bell's preemption, "Pennsylvania law," and "Delaware law," defenses (to the extent

they were asserted as "affirmative defenses"); Rolls Royce's estoppel, waiver and unclean hands defenses.

Defendant Goodrich Pump will amend ¶ 29 of its Answer to more clearly indicate its position. A letter to counsel of record will suffice, and will constitute an amendment to its Answer.

Jurisdiction. The court will not hold oral argument on Circor's motion to dismiss unless requested by the parties on or before **November 24, 2010**.

Summary Judgment. The parties and counsel are advised that compliance with Rule 56(e) and Local Rule 7.2(b), regarding evidentiary support for factual assertions, and specification and delineation of material issues of disputed fact, will be required.

Discovery disputes. Discovery disputes will be handled by the undersigned judge, as opposed to the Magistrate Judge, in the normal course. No motion to compel is necessary. The party or counsel seeking discovery-related relief should confer with adverse counsel to choose mutually available dates, and then contact the Deputy Clerk to schedule a conference call with the court. The court will inform counsel and parties what written materials, if any, should be submitted in advance of the conference call.

Customary motions to compel discovery, while disfavored by the undersigned judge, are nonetheless permissible. If counsel prefer traditional discovery litigation to the conference call procedure set forth above, any such motion to compel should expressly request, in the title of the motion, a referral to the United States Magistrate Judge. Such referral requests will normally be granted. If the Magistrate Judge is recused, alternate arrangements will be made.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: November 19, 2010

cc: Annmarie A. Tenn, Esq.
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